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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,152	01/12/2004	Rui Li	350078.413	3391

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
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EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

MAIL DATE	DELIVERY MODE
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10/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/756,152	Applicant(s) LI, RUI	
	Examiner Bharat N. Barot	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>01/12/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-42 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 6-15, and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Yang et al (U.S. Patent No. 7,216,172). Yang's patent meets all the limitations for claims 1-2, 6-15, and 18-21 recited in the claimed invention.

4. As to claims 1-2, Yang et al teach a method, comprising: defining a hypertext transfer protocol (HTTP) connection by a client-side connection and a server-side connection; establishing the HTTP connection between a client terminal and a server in response to a request from the client terminal to access the server; maintaining persistent at least the server-side connection using a plurality of different techniques; and closing the client-side connection while the server-side connection is maintained

persistent (see abstract; figure 1; column 2 lines 20-44; and column 3 line 28 to column 5 line 35).

5. As to claims 6-8, Yang et al teach that maintaining persistent at least the server-side connection using the plurality of different techniques includes:
identifying a Connection: Close header in the request from the client; replacing the Connection: Close header in the request with a Connection: Keep-Alive header; at least one of increasing a total length of a packet having the Connection: Close header, fragmenting the packet having the Connection: Close header, and recalculating a checksum of the packet; and inserting a Connection: Keep-Alive header in the request if the request does not contain any header information indicative of whether to close the HTTP connection (column 1 line 48 to column 2 line 15).

6. As to claims 9-10, Yang et al teach that maintaining persistent at least the server-side connection using the plurality of different techniques includes modifying a header in the request, the header being indicative of whether to close the HTTP connection, to a form that is unrecognizable by the server to cause the server to ignore the header; and modifying the header in the request to the form that is unrecognizable to the server includes at least one of modifying a name of the header and modifying a value of the header (figures 2-3; and column 5 line 38 to column 10 line 38).

7. As to claims 11-12, Yang et al teach that maintaining persistent at least the server-side connection using the plurality of different techniques includes changing a HTTP version value indicated in the request to another HTTP version value that is recognizable by the server as being associated with a persistent connection; and adjusting a checksum based on the difference between the HTTP version values (figures 2-3; and column 5 line 38 to column 10 line 38).

8. As to claim 13, Yang et al teach that the request includes a header having a proxy format (figures 1-3).

9. As to claims 14-15 and 18-21, they are also rejected for the same reasons set forth to rejecting claims 1-2 and 6-12 above. Additionally, Yang et al teaches that a method, comprising: reading content of a packet sent via the client-side connection to determine one of several techniques to use to extend a persistency of the server-side connection; and extending the persistency of the server-side connection while closing the client-side connection, in response to the packet sent via the client-side connection and based upon the read content of the packet, wherein establishing the client-side and server-side connections include establishing these connections as part of a hypertext transfer protocol (HTTP) connection (figures 2-3; and column 5 line 38 to column 10 line 38).

Claim Rejections - 35 USC § 103(a)

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3-5 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al (U.S. Patent No. 7,216,172) in view of Kirby et al (U.S. Patent No. 5,828,846).

12. As to claims 3-5, Yang et al do not teach that using the plurality of different techniques includes maintaining the server-side connection persistent in response to a RESET packet sent from the client terminal; maintaining the server-side connection persistent in response to a FIN packet sent from the client terminal; and closing both the client-side and server-side connections in response to a FIN packet sent from the server. Kirby et al teach that maintaining persistent at least the server-side connection using the plurality of different techniques includes maintaining the server-side connection persistent in response to a RESET packet sent from the client terminal; maintaining the server-side connection persistent in response to a FIN packet sent from the client terminal; and closing both the client-side and server-side connections in

response to a FIN packet sent from the server (see abstract; figures 7-9; and column 4 line 5 to column 5 line 15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kirby et al stated above in the method of Yang et al because it would have promoted efficient planning in the network and maximized the utilization of the network by using different types of packets and techniques.

13. As to claims 16-17, they are also rejected for the same reasons set forth to rejecting claims 3-5 above.

14. As to claims 22-36, they are also rejected for the same reasons set forth to rejecting claims 1-21 above, since claims 22-36 are merely an apparatus for the method of operations defined in the method claims 1-21.

15. As to claims 37-42, claims 37-42 do not teach or define any new limitations than above claims 1-21; therefore, they are rejected for the similar reasons.

Additional References

16. The examiner as of general interest cites the following references.
- a. Knight et al, U.S. Patent No. 6,988,238.
 - b. Gupta, U.S. Patent No. 6,757,733.
 - c. Erickson et al, U.S. Patent No. 6,721,792.

Contact Information

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

Art Unit 2155

September 20, 2007

Bharat Barot.
BHARAT BAROT
PRIMARY EXAMINER